

**Before the
Federal Communication Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Telephone Number Portability)	CC Docket No. 95-116
)	
)	
Petition for Declaratory Ruling of the)	
Cellular Telecommunications & Internet)	
Association)	

**Reply Comments Of
Fred Williamson and Associates, Inc. ("FW&A")
On behalf of:**

**Chouteau Telephone Company, an Oklahoma ILEC
H&B Telephone Communications, Inc., a Kansas ILEC
Moundridge Telephone Company, Inc., a Kansas ILEC
Pine Telephone Company, Inc., an Oklahoma ILEC
Pioneer Telephone Association, Inc., a Kansas ILEC
Totah Telephone Company, Inc., a Kansas and Oklahoma ILEC
Twin Valley Telephone, Inc., a Kansas ILEC**

Reply Comments In Opposition to the Petition

Fred Williamson and Associates hereby submits these Reply Comments in response to the Cellular Telecommunications and Internet Association's (CTIA) Petition for Declaratory Ruling (Petition).

In its Petition CTIA is seeking an FCC declaration that wireline carriers are obligated to implement Local Number Portability (LNP) and are obligated to port their customer's numbers to a Commercial Mobile Radio Service (CMRS) provider when the carrier's service areas overlap. In addition the Petition seeks that declaration of wireline obligation without benefit of agreement between the two carriers beyond a standard service level porting agreement.

CTIA DOES NOT OFFER RESOLUTION OF WIRELINE RATE CENTER ISSUES

Various comments¹ filed in this issue have explained the critical link that the wireline rate centers play not only in LNP, but in the rating and routing of traffic across the Public Switched Telephone Network (PSTN) as well as in the functioning Number Pooling process. CTIA in its own Petition² explains that wireline number portability is restricted to the existing rate center boundaries of incumbent LECs. They go on to explain that pursuant to the North American Numbering Council's (NANC) Architecture and Administrative Plan for Local Number Portability, location portability is technically limited to rate center/rate district boundaries of the incumbent LEC due to rating/routing concerns. Those same rating and routing concerns that prompted NANC to limit wireline LNP to rate center boundaries have not gone away simply because CTIA wishes them to. They are still valid, still an issue and still every bit as pertinent as when the NANC

¹ Illinois Citizens Utility Board comments at 3, OPASTCO comments at 2, USTA comments at 7, Rural Telecommunications Group comments at 2, SBC Communications comments at 2, Nebraska Rural Independent Companies comments at 4.

² *Petition for Declaratory Ruling of the Cellular Telecommunications and Internet Association*, CC Docket No. 95-116, *In the Matter of Telephone Number Portability*, filed January 23, 2003 (Petition) page 5.

recommendation was adopted by the Commission and were then codified in section 52.26 of the Commissions rules.³

OPASTCO⁴ notes that numbers must be assigned to specific rate centers for several reasons including determination of jurisdiction (local versus toll). They also correctly note that if the CTIA Petition is granted wireline companies will be required to port numbers outside of their assigned rate center which will in a great many cases effectively change the jurisdiction (inter-rate center call will become toll even if it was previously local) of customers calls to a given number. This inter rate center routing will cause significant compensation issues between LECs and interexchange carriers as well as CMRS providers and LECs. Yet nowhere in its' Petition does CTIA offer explanations or remedies for the various jurisdiction and/or compensation issues.

Likewise, CTIA does not offer an explanation as to how their Petition which will require wireline porting between rate centers will be or should be incorporated into the methods and procedures for wireline LNP which as has already been discussed restricts LNP to intra rate center only.

The Illinois Citizens Utility Board correctly points out that the rate center disparity which has taken up such a significant portion of the comments affects service provider portability within the wireline industry, as well as between wireless and wireline carriers⁵. However it does not affect wireless to wireless portability.

CONSUMER CONFUSION, BILLING AND COMPENSATION CONCERNS

OPASTCO appropriately notes that if CTIA's Petition is granted and wireline numbers are ported on an inter rate center basis that the new rate center may very well be in another LATA or even across a state boundary. This would significantly add to the confusion related to consumer understanding and awareness of what jurisdiction and therefore what charges are applicable to a call from one rate center to another. Customers

³ 47 C.F.R. § 52.26

⁴ Organization for the Promotion and Advancement of small Telecommunications Companies (OPASTCO) comments at 2.

calling ported numbers could very easily find that toll charges are applicable to a number that only yesterday was local. The Commission recognized that preventing this customer confusion would require carriers and ultimately consumers, to incur additional costs to modify billing systems and network facilities, therefore the Commission declined to mandate location portability, which allows users to retain existing telecommunications numbers when moving from one physical location to another. Location portability is really what the CTIA Petition is requesting and it must be denied.

COMPETITION CONCERNS

The reason that the LNP questions are an issue for anyone is due to the underlying local competitive process inherent in the Telecommunications Act of 1996. However, CTIA continues to espouse⁶ that wireless LNP would fail a cost-benefit analysis either for wireless to wireless competition or intermodal portability. They offer no proof of such analysis failure, they simply assert that it is so. Their position that customers really do not want to have the option of keeping their numbers when they change wireless providers rings false and is certainly not a logical conclusion. Wireless customers certainly have the same cost containment desires related to keeping their wireless numbers as do wireline customers. They have business cards, stationary, etc. with their wireless numbers on them besides the more direct customer issues such as family members, perhaps even young family members and/or the elderly becoming accustomed to a specific number and then having to face memorizing a new one when another family member simply decides to change their wireless provider.

The Illinois Citizens Utility Board (CUB) notes⁷ that the Commission itself has concluded that wireless LNP is in the public interest and that its absence will unnecessarily harm consumers. CUB notes that the FCC stated in its last Telephone Number Portability Memorandum Opinion and Order:

We find that wireless number portability will
promote competition

⁵ Illinois Citizens Utility Board (CUB) comments at 6

⁶ Petition at 16

⁷ Illinois Citizens Utility Board (CUB) comments at 7.

by making it easier for consumers to switch carriers to pursue better features, coverage, and prices. Delay beyond the one year period we adopt today could impair the development of competition unnecessarily and harm consumers.⁸

The competitive, technical and regulatory reality of the situation is that wireline LNP is and must be restricted to a rate center basis. This is not a competitive hurdle that the wireline carriers are attempting to impose on CTIA or its CMRS provider members. It is a fact that has been discussed before and with the Commission numerous times as well as the various technical industry forums such as NANC. CTIA's continued claims of competitive inequality in regards to wireline to wireless LNP are disingenuous at best and bordering on the pure misstatement of facts. The competitive advantage in this issue is clearly with the CMRS providers. CTIA and its members are effectively requesting by this Petition that the Commission mandate LNP on a one way basis between wireline and wireless carriers. Not only because the wireless industry is still adamantly refuting the implementation of wireless LNP at any time but because if a wireless carrier is allowed to require a LEC (particularly a small rural LEC that normally has less expansive rate centers than RBOCs) to port its wireline numbers to the wireless subscriber on essentially an Metropolitan Trading Area (MTA) basis and yet the wireless carrier (when wireless LNP is eventually implemented if ever) is only required to port numbers to wireline customers that are located within the same wireline rate center the rural wireline carrier effectively has little means to compete.

CONCLUSION

⁸ See Telephone Number Portability, Petition for Extension of Implementation Deadlines of the Cellular Telecommunications Industry Association, CC Docket No. 95-116 (filed Nov. 24, 1997); Telephone Number Portability, Cellular Telecommunication and Industry Association Petition for Forbearance from Commercial Mobile Radio Services Number Portability Obligations, WT Docket No. 98-229, *Memorandum Opinion and Order*, 14 FCC Rcd 3092 (1999); Verizon Wireless Petition for Partial Forbearance from the Commercial Mobile Radio Services Number Portability Obligations, WT Docket No. 01-0184, *Memorandum Opinion and Order*, 17 FCC Rcd 14972 (2002).

CTIA's Petition is effectively seeking one way porting requirements for wireline to wireless. That is not competitively neutral nor in the best interests of consumers, this is wrong and should not be permitted. CTIA is also asking for a mandate that would require wireline LECs, particularly small rural LECs that may not even have a directly connected wireless provider serving customers in their rate center to be required to port numbers outside of their traditional LEC rate center boundaries. At the very least this is in conflict with the tenants of 47 C.F.R. § 52.26 which restricts wireline LNP to within rate centers. For these and the reasons discussed above the Commission should deny CTIA's Petition.

Respectfully Submitted

Fred Williamson and Associates, Inc.

March 13, 2003